

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Michael J. Heller et al.

Serial No.: 09/912,014

Filed: July 24, 2001

For: Methods for Electronic Synthesis of
Complex Structures

)
) Group Art Unit: 1631

)
) Examiner: Marschel

STATEMENT UNDER 37 CFR 1.821(e)

Commissioner for Patents
Washington, D.C. 20231

Sir:

The paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in grandparent application number 08/146,504, filed November 1, 1993.

In accordance with 37 CFR 1.821(e), please use the last filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.

OC-91982.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 21, 2001
Date of Deposit

Denise N. Doss

Name of Person Mailing Paper

Signature of Person Mailing Paper

A paper copy of the Sequence Listing is attached hereto and the necessary claim amendments are incorporated in the Supplemental Preliminary Amendment filed herewith which should be incorporated into the specification herewith.

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: September 21, 2001

DBM/dnd
633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(949) 567-2300 or (213) 489-1600

By: 

David Murphy
Reg. No. 31,125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 261/011
First Named Inventor: Michael J. Heller et al.
Prior Application Information:
Serial No. 09/490,965
Examiner: Marschel
Art Unit: 1631

Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/490,965 filed on January 24, 2000.

Michael J. Heller, Eugene Tu, Glen A. Evans, and Ronald G. Sosnowski, entitled:

Methods for Electronic Synthesis of Complex Structures (as amended herein)

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

103 Page(s) of Written Description
16 Page(s) of Claims
1 Page(s) of Abstract
18 Sheet(s) of Drawings ☒ formal ☐ informal
2 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed

Other:

OC-87944.

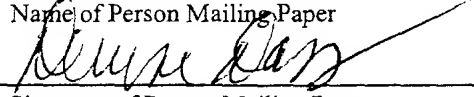
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Signature of Person Mailing Paper

- ☒ Copy of Assignment papers from parent application (cover sheet and documents(s))
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

| | | | | | | |
|---|-------|-----------------|----|---|----|---------------------------------|
| BASIC FILING FEE: | | | | | | \$710.00 |
| Total Claims | 119 | - | 20 | = | 99 | x \$18.00 \$1,782.00 |
| Independent Claims | 5 | - | 3 | = | 2 | x \$80.00 \$160.00 |
| Multiple Dependent Claims | \$270 | (if applicable) | | | | <input type="checkbox"/> \$0.00 |
| TOTAL OF ABOVE CALCULATIONS | | | | | | \$2,652.00 |
| Reduction by ½ for Filing by Small Entity. | | | | | | <input type="checkbox"/> \$0.00 |
| Misc. Filing Fees (Recordation of Assignment) | | | | | | \$0.00 |
| TOTAL FEES DUE HERewith | | | | | | \$2,652.00 |

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☐ Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)



22249
PATENT TRADEMARK OFFICE

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Los Angeles, CA 90071
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Please direct all inquiries to David B. Murphy, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: July 24, 2001

By: David B. Murphy

David B. Murphy
Reg. No. 31,125

Enclosures

Nanogen, Inc.
Name of Assignee

10398 Pacific Center Court, San Diego, California 92121
Address of Assignee

Vice President and General Counsel
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on September 9, 1994, Reel 7274, Frame 0385

Applicant: Michael J. Heller et al. Attorney: DBM/dnd
Serial No.: Not Yet Assigned Docket No. 261/011
For: Methods for Electronic Synthesis of Complex Structures

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.
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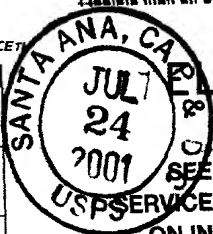
1. Continuation Filing Under 37 CFR 1.53(b)
2. 103 pgs of Description, 16 pgs of Claims; 1 pg of Abstract, 18 Sheets of Formal Drawings, 2 pgs of Declaration & Power of Attorney; copy of Recorded Assignment
3. Preliminary Amendment
4. Information Disclosure Statement & PTO 1449

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